



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 18, 2018

Via ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
United State Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

Re: *United States v. Joshua Adam Schulte, S1 17 Cr. 548 (PAC)*

Dear Judge Crotty:

We write to provide an update to the Court in the above-referenced matter and to respectfully request that the Court adjourn the conference scheduled for July 18, 2018 at 11:00 a.m.

As the Court is aware, on June 18, 2018, a superseding indictment was filed that charged the defendant with the same child pornography charges contained in the original Indictment, as well as, among others, violations of 18 U.S.C. §§ 641, 793, 1030, and 1001 (collectively the “Espionage Charges”).¹ Since the last conference on June 28, 2018, the Government has begun producing discovery related to Espionage Charges. This has included producing to the defendant and his counsel material in unclassified discovery. It has also included making available to the defendant and his counsel a substantial amount of classified discovery at a secure facility at the Federal Bureau of Investigation.

While the Government has made substantial progress in producing discovery with respect to the Espionage Charges, its production is not yet complete. Accordingly, the Government respectfully requests that the Court adjourn the upcoming conference for approximately thirty days so that the Government can continue producing discovery. The Government also respectfully requests that the Court exclude time in the interest of justice under the Speedy Trial Act until the rescheduled conference so that the Government can continue producing discovery and the defendant can review it.

¹ The Government completed its production of discovery with respect to the child pornography charges prior to the return of the Superseding Indictment. As noted in the Government’s letter dated July 6, 2018, the Government has worked with defense counsel to ensure the defendant has access to that discovery.

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The Government has conferred with defense counsel who consents to the adjournment of the upcoming conference and does not take a position on the Government's request to exclude time. The Government also understands that defense counsel will provide an update to the Court concerning the defendant's pro se motion within the next week, because her attempts to consult with her client have been hindered by issues at the MCC.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: _____ /s/

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Cc: Defense Counsel (via ECF)